IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Crl.MC.No. 4857 of 2003()

CRA.219/2002 of SESSIONS COURT, THODUPUZHA
(CRMP. 2356 /2002)

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PETITIONERS: ACCUSED

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1. MARKOSE S/O. DEVASSIA, KALLIDAMTHOTIYIL HOUSE, EDAMARUKU KARA, UDUMBANNUR VILLAGE, IDUKKI DISTRICT.

2. CHACKO S/O.OUSEPH, THEUNDETHIL, EDAMARUKU KARA, UDUMBANUR VILLAGE, IDUKKI DISTRICT

3. OUSEPH S/O. DEVASSIA, KARIMANAL HOUSE, UDUMBANNUR VILLAGE, EDAMARUKU KARA, IDUKKI DIST.

4. CHACKO S/O. MICHAEL, VADAKKEPARAMBIL HOUSE, UDUMBANNUR VILLAGE, EDAMARUKU KARA, IDUKKI DISTRICT.

BY ADV. SRI.K.R.SACHIDANANTHAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.4857 of 2003

Dated this the 6th day of September, 2007

O R D E R

The petitioners 4 in number are the appellants who are the sureties in Crl.A.No.219/02 against whom suo motu proceedings were initiated as the counsel was absent at the time of hearing of the appeal. The appellants had challenged the order in M.C.No.19/01 of JFCM-I, Thodupuzha. The penalty imposed on the appellants were reduced to Rs.2,500/- each. It is submitted that the above amounts have been remitted.

2. Annexures III and IV MC's were taken by the appellate court as the counsel on the particular day was not present. I find that there is no scope for further penalising the petitioners. Hence, the order in Crl.M.C.No.10/03 and 11/03 is herewith set aside.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,
JUDGE

csl